

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

ALLSTATE INSURANCE COMPANY,  
ALLSTATE INDEMNITY COMPANY,  
ALLSTATE PROPERTY & CASUALTY  
INSURANCE COMPANY,  
ALLSTATE FIRE & CASUALTY INSURANCE  
COMPANY, AND  
ALLSTATE COUNTY MUTUAL INSURANCE  
COMPANY,

Plaintiffs,

v.

WELLNESS PAIN & ASSOCIATES, INC.,  
MIDTOWN SURGICAL GROUP CORP.,  
AZOG, P.A.,  
LAMONT RATCLIFF,  
JAMES MARK MCBATH, M.D.,  
KELECHI AZUOGU, M.D., AND  
TAMARA WELSH, N.P.

Defendants.

Civil Action 4:24-cv-02091

**Oral Argument Requested**

**PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AND ENTRY OF FINAL  
JUDGMENT AS TO EACH OF THE DEFENDANTS**

NOW COME Plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate Fire & Casualty Insurance Company, Allstate County Mutual Insurance Company, and Allstate Property & Casualty Insurance Company's (collectively, "Allstate" or "plaintiffs") respectfully request the entry of default judgment pursuant to Fed. R. Civ. P. 55(b)(2), against defendants Wellness Pain & Associates, Inc., Midtown Surgical Group Corp., Lamont Ratcliff, James Mark McBath, M.D., Azog, P.A., Kelechi Azuogu, M.D., and Tamara Welsh, N.P., the grounds for Allstate's motion are set forth in the accompanying memorandum of law, and in the Declarations of Kellie Baysore and Douglas McInnis, Esq., each of which is filed herewith.

The Plaintiffs respectfully request that this Court grant:

(1) GRANT Plaintiffs' Motion for Default Judgment against the Defendants in favor of AIC

for joint and several liability for the RICO damages trebled to \$2,007,910.26, including:

- For Counts I-II (RICO claims concerning Wellness Pain & Associates, Inc.) Wellness Pain & Associates, Inc., Lamont Ratcliff, James Mark McBath, M.D., Kelechi Azuogu, M.D., Tamara Welsh, N.P., Midtown Surgical Group Corp., and Azog, P.A., are jointly and severally liable in the trebled amount of \$1,998,768.30.
- For Counts III-IV (RICO claims concerning Midtown Surgical Group Corp.) Midtown Surgical Group Corp., Lamont Ratcliff, James Mark McBath, M.D., and Wellness Pain & Associates, Inc., are jointly and severally liable in the trebled amount of \$9,141.96.
- For Counts V-VI (RICO claims concerning Azog, P.A.) Azog, P.A., Lamont Ratcliff, Kelechi Azuogu, M.D., and Wellness Pain & Associates, Inc., are jointly and severally liable.
- For Count VII (Common Law Fraud claims concerning All Defendants), Wellness Pain & Associates, Inc., Lamont Ratcliff, James Mark McBath, M.D., Kelechi Azuogu, M.D., Tamara Welsh, N.P., Midtown Surgical Group Corp., and Azog, P.A., are liable.
- For Count VIII (Civil Conspiracy To Commit Fraud claims concerning All Defendants), Wellness Pain & Associates, Inc., Lamont Ratcliff, James Mark McBath, M.D., Kelechi Azuogu, M.D., Tamara Welsh, N.P., Midtown Surgical Group Corp., and Azog, P.A., are liable.
- For Count IX (Money Had and Received claims concerning All Defendants), Wellness Pain & Associates, Inc., Lamont Ratcliff, James Mark McBath, M.D., Kelechi Azuogu, M.D., Tamara Welsh, N.P., Midtown Surgical Group Corp., and Azog, P.A., are liable.
- For Count X (Declaratory Relief claims), that Wellness Pain & Associates, Inc. and Midtown Surgical Group Corp., cannot bill or seek payment from Allstate for payment related to the fraudulent conduct detailed in the within Complaint and that Allstate has no obligation to pay pending and previously-denied insurance claims to Wellness Pain & Associates, Inc. and Midtown Surgical Group Corp.

(2) DECLARE that Wellness and Midtown have no standing to submit or receive assigned

benefits as they (1) billed for unlicensed services; (2) billed for forged and fraudulent medical reports and invoices; (3) billed for services not rendered; (4) obtained patients through illegal solicitation and unlawful referrals; and (5) billed for excessive and

unnecessary treatment performed pursuant to a predetermined treatment protocol designed to inflate billing. Therefore, Allstate shall have no obligation to pay any claims submitted by or on behalf of Wellness and Midtown or any of their agents; and

(3) GRANT any other appropriate relief this Court deems just.

Respectfully Submitted,

KING, TILDEN, MCETTRICK & BRINK, P.C.

*/s/ Douglas D. McInnis*

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Nathan A. Tilden (1553071)  
ntilden@ktmpc.com  
Douglas D. McInnis (3876577)  
dmcinnis@ktmpc.com  
350 Granite St., Ste. 2204  
Braintree, MA 02184  
(617) 770-2214

Attorneys for the Plaintiffs,  
*Allstate Insurance Company,*  
*Allstate Indemnity Company,*  
*Allstate Property & Casualty Insurance Company,*  
*Allstate Fire and Casualty Insurance Company,*  
*and Allstate County Mutual Insurance Company,*

Dated: August 14, 2025

**CERTIFICATE OF SERVICE**

I, Douglas McInnis, hereby certify that on August 14, 2025, I served copies of

- Plaintiffs' Motion for Default Judgment as to defendants Wellness Pain & Associates, Inc., Midtown Surgical Group Corp., Lamont Ratcliff, James Mark McBath, M.D., Azog, P.A., Kelechi Azuogu, M.D., and Tamara Welsh, N.P.;
- Memorandum of Law in Support of Plaintiffs' Motion for Default Judgment and Entry of Final Judgment;
- Appendix to Table of Authorities;
- Declaration of Douglas McInnis, Esq.;
- Declaration of Kellie Baysore; and
- The proposed form of judgment, upon the following via certified mail (return receipt requested) and e-mail:

<b>Derek H. Deyon</b> The Deyon Law Group, PLLC 440 Louisiana Street, Suite 900 Houston, Texas 77002 ddeyon@deyonlawgroup.com  <i>Counsel for Defendants Azog,  P.A., Kelechi Azuogu, M.D., and  Tamara Welsh, N.P.</i>	<b>Wellness Pain &amp; Associates, Inc.</b> Texas Medical Marijuana Doctors c/o Lamont Ratcliff 4337 Crow Rd, Ste B Beaumont, TX 77706
<b>Midtown Surgical Group Corp.</b> 5959 Richmond Ave, Ste 200 Houston, TX 77057	<b>James Mark McBath, M.D.</b> 6019 Rose St Houston, TX 77007
<b>Lamont Ratcliff</b> Texas Medical Marijuana Doctors c/o Lamont Ratcliff 4337 Crow Rd, Ste B Beaumont, TX 77706	

Date: August 14, 2025

/s/ Douglas D. McInnis

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Douglas D. McInnis